RAJYA SABHA

Friday, the 5th August, 2005/14 Sravana, 1927 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

Amendment of Indian Forest Act, 1927

*181. SHRI GIREESH KUMAR SANGHI:
DR. T. SUBBARAMI REDDY:†

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government are considering to amend the Indian Forest Act, 1927;

(b) if so, whether Government have also decided to pass the Scheduled Tribes (Recognition of Forest Rights) Bill;

(c) whether the Forest Conservation Act, 1980 which expanded IFA's scope by centralizing State powers over forests made the prior approval of the Central Government necessary for dereservation of reserved forests for use of forest land for non-forest purposes; and

(d) by what time the Bill is likely to be introduced and passed?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) to (d) A Statement is laid on the Table of the House.

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†The question was actually asked on the floor of the House by Dr. T. Subbarami Reddy.

Statement

(a) Yes, Sir. The Government of India is considering amendment to Indian Forest Act, 1927 to meet the objectives of National Forest Policy in a holistic manner for the maintenance of environmental stability through preservation and restoration of ecological balance, meeting requirement of fuel wood, fodder, minor forest produce and small timber to rural and tribal population with their involvement.

(b) Ministry of Tribal Affairs in the Union Government is formulating "The Schedule Tribes (Recognition of Forest Rights) Bill, 2005.

(c) Yes, Sir.

(d) The proposed Bills-The Schedule Tribes (Recognition of Forest Rights) Bill, 2005 and Amendment to Indian Forest Act, 1927 are still at a draft stage and to be finalized as per the established procedure. No time-frame can be indicated at this stage regarding introduction of the Bills.

DR. T. SUBBARAMI REDDY: Sir, the hon. Minister has not given a proper and a clear reply. When we asked as to whether the Government was considering amending the Indian Forest Act, 1927 he has stated, "The Government of India is considering amendment to Indian Forest Act, 1927, to meet the objectives of National Forest Policy in a holistic manner for the maintenance of environmental stability through preservation and restoration of ecological balance." Here, I would like to know what improvements the Government is contemplating in this new legislation. And, what will be the difference between the 1927 Act and the proposed legislation?

SHRI NAMO NARAIN MEENA: Sir, the draft legislation is under consideration. We are going to amend the Indian Forest Act which would ensure environmental stability and preservation of natural heritage, and safeguard bio-diversity. The proposed amendments include (i) Action Plan by Forest Police and Revenue Officers to prevent encroachments; (ii) involvement of Joint Forest Management in the matter of conservation and management of forests; (iii) provision for relaxation and transit of various produce; (iv) rehabilitation of 15 cultivation areas for plantation; and (v) diverting and shifting of cultivation into settled cultivation in the affected areas.

DR. T. SUBBARAMI REDDY: Sir, my second supplementary is this. The Forest Conservation Act, 1980, expanded the IFA's scope by centralising the State powers over the forests and made the prior approval of the Central Government necessary. Sir, everybody is very much interested in the preservation of forests in the country. At the same time, in the forest areas, if there is a proposal to construct hospitals or irrigation dams or to do some mining, or putting up new factories which will create employment, there is this hard feeling amongst people that wherever any permission is required from the Ministry of Environment and Forests to support these national projects, they always apprehend that they may not get it. I would like to know from the hon. Minister what mechanism the Ministry has got in this regard and how he is going to ensure that they do not come in the way of increased industrial production in the country.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI A. RAJA): Basically, the Forest Conservation Act itself is not a prohibitory Act. It is only a regulatory Act. So, it is not that the developmental activities are scuttled....

MR. CHAIRMAN: Are you talking about the Forest Conservation Act, 1980?

SHRI A. RAJA: Yes, Sir. The Forest Conservation Act of 1980 is a regulatory Act under which developmental activities are permitted. As a matter of fact, so far, 12,241 projects were permitted under this Act. In fact, 10.03 lakh hectares of forest lands have been given for developmental activities. The main object of the Act is that conservation must be protected, while, at the same time, permitting developmental activities. In other words, developmental activities and conservation should go hand-in-hand. In other words, this approach of synchronisation means that developmental activities are not scuttled because of protection of the forests. That has been contemplated in the Forest Conservation Act. Of course, in the guidelines, schools, school buildings, dispensaries and hospitals, electrical and communication lines, drinking water supply, minor irrigation canals, non- conventional sources of energy, power sub-stations, are all permitted under the Forest Conservation Act. Some liberal approach has been there, so far as the State Governments are concerned.

DR. T. SUBBARAMI REDDY: What about the industries?

SHRI A. RAJA: Industries should come to us.

SHRI JANARDHANA POOJARY: Sir, since time immemorial, the poor people, particularly the tribals, have been living in forest areas. In its Common Minimum Programme, the UPA Government has promised to the nation that there will be an amendment brought forward immediately for protecting the rights of the tribals as also the poor people who have been living in those areas. Sir, they are being harassed now. I would like to know whether the Government is going to come forward with an amendment in this regard as early as possible. It is the desire of the entire House, Sir.

SHRI A. RAJA: Sir, it is true that this Government is committed to give more and more rights to the tribal community, especially those who have been living in forest areas. Of course, it has been contemplated in the Common Minimum Programme also.

Sir, first of all, I must submit before the House that neither the Forest Conservation Act nor the Indian Forest Act permits giving of rights to tribals. We have the right only in the Act. Of course, the erstwhile Government, in the year 2004, had framed very broad guidelines about the communities who can be given shelters in forest areas, about pre-conditions and pre-qualifications that they should have. According to the new guidelines of 2004, those who have been having possessory titles in forest areas can be conferred title deeds. Sir, these guidelines framed by the erstwhile Government had been challenged before the Court on grounds that these had been politically motivated, for capturing votes. This Government has not deviated from the guidelines. In the larger perspective, these are needed for the country. Yet, somebody had challenged them before the court and the court had stayed the operation of the entire guidelines. Because of the stay order, we are helpless now. However, the Government is determined to bring forward a new law either through the Tribal Affairs Ministry or through this Ministry. For that, a GoM, headed by the hon. Home Minister, has been constituted. We are discussing what sort of rights can be given to these people and, when rights are given, what type of hurdles can be faced by the concerned departments and Ministries. This exercise is going on. We will come back again before the House.

SHRI PENUMALLI MADHU: Sir, all over India, and in many parts of agency areas, many tribal families are removed and their houses are demolished, branding them as encroachers into forests. Pending this amendment regarding recognition of the rights of tribals in forests, how is the Government going to protect the tribals who are branded as encroachers?

SHRI A. RAJA: Sir, as I have already said, there are some problems because of the court decision. I must be categorical before the House. Pending judicial proceedings, pending the draft Bill which is before the Government, we have directed all the State Governments that no encroacher should be evicted unless and until the order is passed by the Central Government. *(Interruptions)*

SHRI PENUMALLI MADHU: Is there any record of rights? Is there any record in the forest areas?

MR. CHAIRMAN: There is no record.

SHRI PENUMALLI MADHU: What measures is the Forest Ministry going to take when there is no record?

SHRI A. RAJA: We have already written a letter to all the State Governments that they should not evict the tribals until futher orders from the Government of India. (*Interruptions*) Sir, I must clarify to the House one thing. There are two issues. There are three categories in this area. One is the Forest Conservation Act which came into existence in 1980. Those who have been living there pre-1980, before the Act came into existence, have their rights. After 1990...

MR. CHAIRMAN: They have got a right, but there is no record of that.

SHRI PENUMALLI MADHU: How are you going to demarcate it?

MR. CHAIRMAN: It is not at all on record. (*interruptions*)

SHRI A. RAJA: Yes. We have directed the State Governments that those who are having pre-1980 rights, they should be categorised, after 1980, for how long they have been living in forest areas. This exercise should be done by the State Governments. The State Governments are

being asked to send the report. Till the time that exercise is over, our order is, you should not evict any person who is living in forest areas, at least, for 12 years. (*Interruptions*).

श्री दिग्विजय सिंह: सभापति जी, मैं माननीय वन मंत्री जी से पूछना चाहूंगा कि क्या भारत सरकार, जिसकी अध्यक्षता स्वयं प्रधानमंत्री जी कर रहे हैं, बाघों की रक्षा के लिए जनजाति के लोगों को जंगलों से हटाने का विचार कर रही है? मैं सिर्फ इतना ही कहना चाहूंगा कि जहां भी ट्राइबल लोग हैं, वहां बाघों का शिकार नहीं होता। इस तरह का विचार करके आप जनजाति के लोगों को कितनी सुविधा देंगे या अपने प्रोग्राम के मुताबिक आप उनके लिए क्या करने वाले हैं? क्या आप इस बारे में बताएंगे?

SHRI A. RAJA: Sir, the Government is fully aware of the fact that the protection of forests or the protection of wildlife cannot be sustained without the help of the tribal people who are living in those areas. Even in the latest report filed by the Tiger Taskforce, it has been categorically observed that without the help and local participation, either the wildlife or the forests cannot be protected. The Government is well aware of it. We are devising steps in that direction.

श्री प्यारे लाल खंडेलवाल: धन्यवाद, सभापति जी। बहुत लंबे समय के बाद आपका ध्यान इधर गया, बहुत बहुत धन्यवाद।

श्री सभापति: मैंने कई बार आपको चांस दिया है। अगर आप यह कहेंगे, तो आइंदा मुझे सावधान रहना पड़ेगा।

श्री प्यारे लाल खंडेलवाल: मान्यवर, आपका ध्यान हमारी तरफ कम जाता है। सभापति जी, यह बात सही है कि जंगलों का संरक्षण होना चाहिए और यह बात भी सही है कि आदिवासियों के अधिकारों का संरक्षण भी होना चाहिए। लेकिन, जैसा माननीय मंत्री जी बोल रहे थे, मंत्री जी की कथनी और करनी में बड़ा अंतर है। इस सरकार की नीति आदिवासी-विरोधी नीति है और इसलिए इतना लंबा समय बीतने के बाद भी आदिवासियों के हितों का संरक्षण यह सरकार नहीं कर पा रही है। मेरा सीधा सवाल यह है कि क्या सरकार तुरंत इसी सत्र में या आने वाले सत्र में, यह वचन देने को तैयार है, कि ऐसा कानून लाएगी, जिसमें आदिवासियों के सारे रिकॉर्ड, सारी व्यवस्थाएं ठीक तरीके से दुरुस्त हो सकें और उनके अधिकारों का संरक्षण हो सके? यह केवल जमीन का ही सवाल नहीं है, उनके रहने का सवाल है, उन आदिवासियों की जंगल में जो लघु उपज होती है, उसको बेचने और इकट्ठा करने का सवाल भी है, जिस पर उनका रोजगार टिका

हुआ है। इसलिए मेरा मंत्री महोदय से यह पूछना है कि क्या सरकार इस संबंध में कोई समग्र नीति बनाने का या नियम बनाने को तैयार है?

SHRI A. RAJA: Sir, very soon, either through this Ministry or through the Ministry of Tribal Affairs, we are bringing forward a bill to protect the rights of the tribals.

SHRI DIPANKAR MUKHERJEE: Sir, I am afraid, the hon. Minister's reply does not satisfy me. I invite the attention of the hon. Minister to the National Common Minimum Programme, the commitment thereof. Keeping that in view, so far as the Bill for rights of tribals is concerned, one year has passed since this Government came to power, and this type of reply that "No time-frame can be indicated at this stage regarding introduction of the Bills", totally annals any purpose of putting such questions. I am afraid, the Government cannot say that non time-frame can be indicated at this stage.

Sir, through you, I would request the hon. Minister that he should have a discussion with the Minister of Tribal Affairs, who, I know, is very keen on introducing the Bill, but certain vested interests are pressurising the Government not to bring forward the Bill. So, I would request the hon. Minister to consult them and as per this commitment of the NCMP, give a specific time-frame within which the bill can be introduced. That type of assurance must come from the hon. Minister. He should talk to the Minister of Tribal Affairs in this regard. This type of reply that 'no time-frame can be given', means, putting no question. By putting supplementaries on this question for the last 15 minutes, we have wasted the time of the House. (*Interruptions*)

SHRI A. RAJA: Sir, the intention behind the answer is, the balls is not exclusively in the court of the Government. There are three States... (*Interruptions*) I will come to you.

MR. CHAIRMAN: Let him speak. (*Interruptions*)

SHRI DIPANKAR MUKHERJEE: Don't bring the Judiciary here. We are separate. (*Interruptions*) You have to bring forward the Bill. (*Interruptions*)

MR. CHAIRMAN: Mr. Mukherjee, let him reply. जवाब देने दीजिए।

SHRI DIPANKAR MUKHERJEE: We have to protect the rights of the tribals. Don't say that the Judiciary is having overriding powers ... (*Interruptions*)

SHRI ANAND SHARMA: Sir, this is very important subject. Through putting questions, it may not be adequately addressed. Let us have a discussion on it.

श्री सभापति: ज्यादा अच्छा होगा, यदि माननीय सदस्यों की इच्छा हो, तो हाफ एन आवर डिसकशन के लिए लिखकर दे दें।

Anthrax disease

*182. SHRI N.K. PREMACHANDRAN: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether any State in the country is under Anthrax threat and if so, the details of cases of Anthrax disease reported so far, State-wise;

(b) the precautions proposed to be taken by Government to check the disease; and

(c) whether any pakcage of assistance has been made available to the State Governments under the Centrally sponsored schemes to control the disease?

THE MINISTER OF HEALTH AND FAMILY WELARE (DR. ANBUMANI RAMDOSS): (a) to (c) A Statement is laid on the Table of the House.

Statement

Natural anthrax is endemic in some parts of the country. It had been reported from Orissa (2000-2005) Karnataka (2001 & 2004), Andhra Pradesh (2000, 2001, 2004 & 2005), Tamil Nadu (2005), West Bengal (2001, 2003, 2004 & 2005). The details of cases reported so far since 2000 are annexed as Statement-I. (*See* below)

Anthrax is primarily a disease of animals. Humans can become infected with Anthrax while handling products from infected animals (Cutaneous Anthrax) or breathing infected spores (Inhalation Anthrax) and by eating of undercooked meat from infected animals (Gastrointestinal Anthrax).